

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

LILLIE B. COMBS AND ANDREW NICHOLAS,
WRONGFUL DEATH BENEFICIARIES OF
RUCKER COMBS, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NUMBER

14, 0050-CI

COVENANT HEALTH AND REHAB OF VICKSBURG, LLC
AND JOHN DOE DEFENDANTS 1 THROUGH 10

DEFENDANTS

COMPLAINT FOR DAMAGES - JURY TRIAL DEMANDED

COME NOW, the Plaintiffs, Lillie B. Combs and Andrew Nicholas, as the wrongful death beneficiaries of Rucker Combs, deceased, (i.e. hereinafter collectively referred to as Plaintiffs) by and through their attorney, namely, Brandon I. Dorsey, BRANDON I. DORSEY, PLLC, Post Office Box 13427, Jackson, Mississippi 39236 - 3427, and files this their Complaint For Damages - Jury Trial Demanded of and against Covenant Health And Rehab Of Vicksburg, LLC and John Doe Defendants 1 Through 10 (i.e. hereinafter referred to as "Defendants"), and in support thereof, would show unto the Court the following:

THE PARTIES

1. That the deceased, namely Rucker Combs, at the time of his demise was an adult resident citizen of Vicksburg, Warren County, Mississippi.
2. That Lillie B. Combs, is the legal spouse of Rucker Combs, deceased.
3. That Andrew Nicholas is the natural son of the decedent, Rucker Combs.
4. That Covenant Health And Rehab Of Vicksburg, LLC (i.e. hereinafter referred to as "Defendant Covenant Health") is a private medical / nursing home / long term care facility providing medical services and operating as a business entity pursuant to the laws of the State of Mississippi and may be served with process by serving its registered agent, namely C.T. Corporation Systems, Inc., located at 645 Lakeland East Drive, Suite # 101, Flowood, Mississippi 39232.

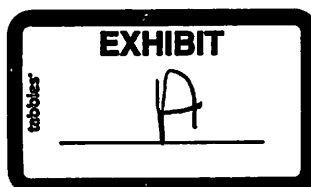
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5. That John Doe Defendants 1 through 10 are those persons, individuals, groups, joint ventures, associations, etc., whose identities are not presently known at the time of the filing of the instant Complaint. Plaintiffs would therefore respectfully reserve the right to supplement this their Complaint to supplement the name(s) of any and all such John Doe Defendants once their identities become known.

JURISDICTION AND VENUE

6. That this Court has jurisdiction of the instant civil action in that the matter in controversy is in excess of the applicable "jurisdictional limit" and that no other Court has original jurisdiction of the subject matter herein.

7. That the instant civil action arises out of the medically negligent acts as well as gross medically negligent acts and omissions of Defendants that were committed in whole or in part in the State Of Mississippi. This Court has in personam jurisdiction over Defendants.

8. That venue is appropriate in the Circuit Court Of Warren County, Mississippi since the tortuous acts and breaches of Defendants were committed in whole or in part in Vicksburg, Mississippi. Moreover, venue is appropriate in Washington County, Mississippi pursuant to the applicable provisions of Section 11 - 11 - 3 of the Mississippi Code Annotated of 1972, as amended as one (1) or more Defendants may be found there.

FACTS

9. That the decedent, Rucker Combs was a patient of "Defendant Covenant Health" prior to his demise on or about September 18, 2012. In March 2012, however, the decedent was a resident at "Defendant Covenant Health", but was caused to be transferred to River Region Hospital due to severe dehydration, leukocytosis and failure to thrive. On or about March 17, 2012, as a direct and proximate result of such dehydration, leukocytosis and failure to thrive, the decedent further presented with evidence of ischemia to the left leg below the knee, resulting in an "above - the - knee" amputation.

10. That at all times relevant to the instant civil action, "Defendant Covenant Health" was a private medical / nursing home / long term care facility providing medical services and care to members of the public existing pursuant to the laws of the State Of Mississippi.

DUTIES AND BREACHES

11. That "Defendant Covenant Health" was negligent in hiring and retention of its staff, in that they failed to exercise the degree of knowledge, skill and diligence in which they should have possessed and exercised on behalf of Rucker Combs, deceased. Moreover, "Defendant Covenant Health" was further negligent in that they negligently and carelessly failed to employ reasonable and proper medical care, skill and practices in the care and management of Rucker Combs, deceased.

DAMAGES

12. That as a direct and proximate result of the concurrent negligent acts of "Defendant Covenant Health" and John Doe Defendants 1 Through 10, Plaintiffs are entitled to be compensated by Defendants jointly and severally for the physical injuries as well as her conscious pain and suffering.

13. That the aforesaid acts and omissions constitute reckless conduct and that such gross negligence shows a lack of regard for Rucker Combs, deceased, thus, Plaintiffs should be entitled to recover punitive and exemplary damages of and against Defendants.

RELIEF DEMANDED

14. WHEREFORE, PREMISES CONSIDERED, Plaintiffs demand judgment of and from Defendants jointly and severally as follows:

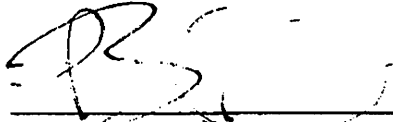
- a. Actual and compensatory damages in excess of the minimum jurisdictional limitations of this Court;
- b. Punitive and exemplary damages;
- c. Pre - judgment and post - judgment interests
- d. All costs of the instant civil action and

- e. Any and all other relief from which the Court and/or jury deems appropriate in these premises.

Respectfully submitted,

LILLIE B. COMBS AND ANDREW NICHOLAS,
WRONGFUL DEATH BENEFICIARIES OF
RUCKER COMBS, DECEASED, PLAINTIFFS

BY:



BRANDON I. DORSEY, MSB # 100291
ATTORNEY FOR PLAINTIFFS

OF COUNSEL:

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ATTORNEY'S AFFIDAVIT

I, Brandon I. Dorsey, an attorney, duly licensed to practice law within the State Of Mississippi, by and pursuant to Section 6 of the Mississippi Justice Reform Act, do hereby certify that I have reviewed the facts of the case and consulted with a medical professional who is qualified to give testimony as to the standard of care and negligence.

I, Brandon I. Dorsey, an attorney, duly licensed to practice law within the State Of Mississippi, further certify that I reasonably believe that said medical professional is knowledgeable in the relevant issues involved in the instant civil action and that based on same, that there is a reasonable basis for the commencement of this action.

SO CERTIFIED, this the 16th day of May of 2014.

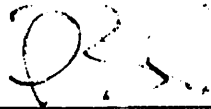


BRANDON I. DORSEY, MSB # 100291
ATTORNEY FOR PLAINTIFF

STATE OF MISSISSIPPI

COUNTY OF HINDS

PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned Notary Public for the aforesaid county and State, in and for the jurisdiction aforesaid, the within named Brandon I. Dorsey, who after being duly sworn, states on oath that the matters and facts contained and set forth in the above and foregoing are true and correct as therein stated, and that she has signed, executed and delivered same on the day and year therein mentioned.



BRANDON I. DORSEY

SWORN TO AND SUBSCRIBED BEFORE ME, this the 16th day of May of 2014.


NOTARY PUBLIC

MY COMMISSION EXPIRES:

Feb. 21, 2016

